

August 2003

Update: Traffic Benchbook— Revised Edition, Volume 1

CHAPTER 2

Civil Infractions

2.8 Speed Violations

B. Absolute Speed Laws

On page 2-28, replace the language after the third bullet with the following:

- 70 mph—Effective July 22, 2003, the maximum speed limit on all freeways was increased to 70 mph. MCL 257.628(9). Notwithstanding the speed increase, the amended statute permits the state transportation department to designate up to 170 miles of freeway on which the speed limit may be lower than 70 mph. *Id.* MCL 257.628(9) establishes the minimum speed on all freeways at 45 mph, unless otherwise posted or made necessary for safe operation.

CHAPTER 3

Misdemeanor Traffic Offenses

3.10 Failing to Give Information and Aid at the Scene of an Accident

E. Issues

Insert the following language before Section 3.11 on page 3-9:

A defendant's Fifth Amendment right against self-incrimination is not implicated by requiring the defendant to comply with a statutory mandate to stop and disclose neutral information at the scene of a serious accident. *People v Goodin*, ___ Mich App ___, ___ (2003). MCL 257.617 requires a driver who was involved in an accident resulting in serious injury to stop at the scene of the accident and fulfill the disclosure requirements of MCL 257.619. In *Goodin*, the defendant argued that he would have been forced to incriminate himself by admitting he was involved in the collision if he had complied with the statutory scheme of stopping at the scene and disclosing information. *Goodin, supra* at ___.

The Court disagreed with the defendant and held that the disclosures required of drivers involved in serious accidents are neutral, have no criminal implications, and do not create a significant risk of self-incrimination. *Goodin, supra* at ___.

CHAPTER 3

Misdemeanor Traffic Offenses

3.14 Leaving the Scene of an Accident Resulting in Personal Injury

E. Issues

Insert the following language after the last paragraph on page 3-15:

A defendant's Fifth Amendment right against self-incrimination is not implicated by requiring the defendant to comply with a statutory mandate to stop and disclose neutral information at the scene of a serious accident. *People v Goodin*, ___ Mich App ___, ___ (2003). MCL 257.617 requires a driver who was involved in an accident resulting in serious injury to stop at the scene of the accident and fulfill the disclosure requirements of MCL 257.619. In *Goodin*, the defendant argued that he would have been forced to incriminate himself by admitting he was involved in the collision if he had complied with the statutory scheme of stopping at the scene and disclosing information. *Goodin, supra* at ___.

The Court disagreed with the defendant and held that the disclosures required of drivers involved in serious accidents are neutral, have no criminal implications, and do not create a significant risk of self-incrimination. *Goodin, supra* at ___.

CHAPTER 3

Misdemeanor Traffic Offenses

3.29 Invalid or No Registration Plate

A. Applicable Statute

On page 3-33, replace the language in paragraph (2) of the applicable statute with the following:

“(2) . . . [A] person who violates subsection (1) is responsible for a civil infraction.* However, if the vehicle is a commercial vehicle which is required to be registered according to the schedule of elected gross vehicle weights under section 801(1)(k), the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.”

C. Criminal Penalties

Replace the language in subsection C on page 3-34 with the following:

A violation of MCL 257.255(2) is:

- a civil infraction for noncommercial vehicles, and
- a misdemeanor for specified commercial vehicles, punishable by not more than 90 days imprisonment or a fine of not more than \$500, or both.*

*MCL 257.255 was amended by 9 PA 2003, effective September 1, 2003. Before the amendment, a person who violated subsection (1) was guilty of a misdemeanor punishable by not more than 90 days in jail, not more than a \$100 fine, or both.

*Amended by 9 PA 2003, effective September 1, 2003.

CHAPTER 5

Snowmobiles

5.2 Definitions in Snowmobile Act

Add the following language to the bottom of page 5-3:

Effective July 14, 2003, the definition of “peace officer” was added to the list of terms defined in the Snowmobile Act. MCL 324.82101(k) states:

“(k) ‘Peace officer’ means any of the following:

- (i) A sheriff.
- (ii) A sheriff’s deputy.
- (iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part.
- (iv) A village or township marshal.
- (v) An officer of the police department of any municipality.
- (vi) An officer of the Michigan state police.
- (vii) The director and conservation officers employed by the department.
- (viii) A law enforcement officer who is certified pursuant to the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, as long as that officer is policing within his or her jurisdiction.”